

SMITH HELMS MULLISS & MOORE, L.L.P.  
Attorneys at Law

2800 Two Hannover Square  
Raleigh, North Carolina 27601  
PO Box 27525 (27611)  
(919) 755-8700

direct: 919-755-8726  
fax: 919-755-8800  
Dennis.Wicker@smithhelms.com



January 16, 2002

Renata Hesse  
Trial Attorney  
Antitrust Division  
Department of Justice  
601 D Street NW, Suite 1200  
Washington, DC 20530

Dear Ms. Hesse:

I believe that the proposed settlement in the Microsoft case is a fair and reasonable compromise. It was arrived at after extensive and intensive negotiations, through the leadership of a court-appointed monitor. I hope it will now receive the approval of the federal court.

Under the agreement, Microsoft will be forced to make significant changes in its operations. It must work in new ways with software developers and computer makers. It must communicate better with other companies, share more information, create more opportunities for other companies and offer more choices to consumers.

Microsoft must also accept the oversight of a special committee that will monitor implementation of the lawsuit.

These are extraordinary steps for a company to take, and Microsoft has stated publicly that it will accept and abide by the terms. So I strongly believe it is time, especially given the uncertain condition of our economy today, to close the books on this matter and enable Microsoft – and its competitors – to go back to doing what they can and should do best: find new ways to enhance the productivity of America.

Sincerely,

SMITH HELMS MULLISS & MOORE, L.L.P.

Dennis A. Wicker

DAW/gn